

## **The Art of Investigative Interviewing Countering the Lie of Omission**

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**I**nvestigators interviewed a prime suspect in a murder investigation. After requesting and receiving a statement describing the individual's whereabouts around the time of the crime, they found his response evasive. "I went to the bedroom. After leaving the bedroom, I left for work. After arriving at work, I met with my boss." Undeterred, the investigators then followed procedures to procure further information from the subject to "fill in the blanks."

Conducting an effective interview with a suspect poses one of the greatest challenges for any investigative interviewer. In such an instance, guilty persons likely will practice deception by omitting information they believe will incriminate them.<sup>1</sup> Leaving out these details is a common way to mislead investigators because, technically, it is not lying. It also does not produce as much stress as telling an outright falsehood.<sup>2</sup> To this end, interviewers, as their first goal, should strive to reduce or, if possible, remove any chances for individuals to engage in this practice. Guilty subjects continually will seek out such opportunities when engaged with investigators.

### **COUNTERING OMISSION**

Disciplined interviewers force suspects to provide as much information as possible about activities or blocks of time, details that guilty individuals will prefer to omit. By preventing these persons from skipping over incriminating facts or fast-forwarding through past periods of time, law enforcement personnel also create an important initial impression—that they are thorough and proficient in the art of criminal investigation. Effective investigators will strive to reinforce this image with the subject during necessary follow-up interviews.

Interviewers should begin by having individuals complete a written or oral statement of activity. Investigators should advise subjects of the importance of detailed information to the investigation, asking them to be specific when describing their activities.

### **Missing Information**

Investigators must carefully examine each sentence in the initial narrative for indicators of missing information. The opening scenario contains four potential areas of omitted details: 1) what happened in the bedroom; 2) what the suspect did after leaving the bedroom before departing for work; 3) what occurred on the way to work; and 4) what transpired after arriving at the office before meeting with the boss. Although these details may, in fact, not be important, investigators should not take the chance.

Interviewers also should recognize that certain words or phrases in a response can point directly to omitted information.<sup>3</sup> One such term, *after*, appeared twice in the preceding example. Others include *later*, *then*, *later on*, and *a short time later*. Even words, such as *eventually*, *finally*, and *when*, may indicate edited or hidden details.

### **Lack of Commitment**

When analyzing a statement, investigators also should note when subjects demonstrate a lack of commitment.<sup>4</sup> For instance, using "I know" demonstrates a higher degree of commitment than "I believe" or "I think"—such language distances individuals from potentially incriminating testimony. Interviewers must consider the possible meanings of such statements as "I cannot remember" or "I cannot recall" and ask themselves if suspects simply are describing what they prefer not to do.

Subjects also show a lack of commitment in the narrative by using qualifiers. For instance, they may say something, such as "I have no *specific* recollection." Investigators should record all such language and each qualifier used.

Perhaps, the most dramatic method interviewees use to withdraw commitment is to suspend the

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use of personal pronouns. For example, subjects may say “the corporate records” instead of “my accounts” to distance themselves from an area of contention.

### **Interruptions and Pauses**

Recognizing that any interruption during the subject’s response has negative effects, interviewers should note areas of missing or incomplete information and address them only at the conclusion of the narrative. Interruptions can cause even willing witnesses to increase the amount of information edited. They move from actively telling what happened to taking a more passive role in the process. Further, interruptions telegraph information to the interviewee. The question that follows the investigator’s interruption may communicate known details or the officer’s particular interest or suspicion. In turn, this information can lead the subject to omit even more details. Interviewers should hold their questions until the subject concludes the narrative with a statement similar to “And that is what happened last Thursday.”

During the initial statement, interviewers also must permit the subject to pause. Investigators should record where within the narrative the pause occurred and ensure that they take notes regularly throughout the interview so as not to telegraph interest in a specific bit of information. Interviewers never should interrupt pauses with anything more than a prompt to the individual to continue or a request for what happened next.

### **Backward-Reaching Questions**

At the conclusion of the narrative, effective interviewers return to each area of missing information and seek out details by using carefully structured backward-reaching questions. Also, they should revisit areas that prompted significant pauses. Following this process will systematically close each opportunity for omission.

First, interviewers return to the exact point in the narrative where a possible omission of information began. Next, they restate word-for-word the information directly preceding the omission; it is important for investigators to use the exact language used by the subject. Then, they have the suspect expand on and amplify the previous information, ensuring, once again, that they identify any additional gaps in time and missing details.<sup>5</sup>

Some investigators make the mistake of going directly to the areas of greatest interest. Instead, they should fight this urge and proceed chronologically, beginning with and closing the first area of omission and patiently moving on to the subsequent areas. By doing so, interviewers avoid alerting the subject to specific areas of interest. In interviews, at least two people are seeking information—the investigator and the interviewee. With a carefully crafted initial interview and well-designed follow-up questions, interviewers do

“**Disciplined interviewers force suspects to provide as much information as possible...**”

not reveal what is known through the investigation, what now has become revealed, or which areas of the subject’s responses have triggered suspicion. Ideally, the individual will only learn that the interviewer is thorough, detail oriented, and proficient.

Interviewers should become adept at constructing backward-reaching questions. For instance, referring to the earlier example, investigators could ask, “Earlier you said that you went to the bedroom. What did you do *next*?” That word would force the subject to discuss the subsequent period of time with either the truth or a descriptive lie. Interviewers also could close the same omission by asking, “You said you went to the bedroom and that later you left. Tell me everything you did while in the bedroom.”

When analyzing answers, investigators must ensure that they interpret the words used to construct the narrative literally. For instance, if a subject says, “That is basically what happened” or “That is about it,” the interviewer should consider

### Recommended Additional Reading

- David Lieberman, *Never Be Lied to Again* (New York, NY: St. Martin's Press, 1999).
- Don Rabon, *Investigative Discourse Analysis* (Durham, NC: Carolina Academic Press, 2003).
- Wendell Rudacille, *Identifying Lies in Disguise* (Dubuque, IA: Kendall/Hunt Publishing Company, 1994).
- John Schafer and Joe Navarro, *Advanced Interviewing Techniques* (Springfield, IL: Charles C. Thomas, 2004).

the possibility that the interviewee has more to say. Again, the investigator should be careful to follow up by reaching back and restating the exact words used to compose the original statement: "Mr. Jones, a few moments ago, you said that is about all you can remember. What else happened at the meeting, or what else do you remember?"

The same technique can effectively address qualifiers. With the statement "I have no *specific* recollection," investigators could ask, "Earlier, you said you had no specific recollection. What recollection *do* you have?"

Backward-reaching questions also can address a noncommittal phrase, such as "I cannot remember." In this example, the interviewer could ask, "Mr. Jones, earlier, you said that you do not remember who was present at the meeting. Take a moment and think hard about the meeting again and tell me everyone who was present."

### Details from the Initial Interview

Details obtained during the initial interview later will prove helpful when verifying the truthfulness of each statement. For example, if a subject reveals that he was at lunch with his girlfriend for 2 hours, much of the time period in question could be confirmed if the subject produced a credit card receipt showing both location and time. If investigators learn that the bill was paid with cash, verifying the subject's statement becomes more complex.

Experienced investigators now will obtain considerable detail to confirm the accuracy of the narrative, considering, of course, the possibility that the statement about the 2-hour lunch may have been used to mask the subject's involvement in a crime. One method investigators could use is to interview both the subject and his girlfriend separately and then compare the information.

Of course, the couple may have agreed on some details beforehand to verify the story. These may include the location of the restaurant, the entrees and beverages ordered, and the arrival and departure times at the restaurant. To dig deeper, investigators may consider asking for a description of the server (not suggesting gender or any other characteristics), location of the table, and the daily lunch special.

### CONCLUSION

Even the most experienced investigators find interviewing suspects challenging. Successful interviewers learn to guard against omissions and recognize when they occur, use backward-reaching questions to close gaps of time and retrieve edited information, recognize words that indicate missing details, detect when lack of commitment occurs during the statement, and realize the importance of detail in the verification of truthfulness and deceit. Regardless of the difficulty, investigators can learn to conduct effective interviews, thus leading to success in their investigations. ♦

### Endnotes

<sup>1</sup> Paul Ekman, *Telling Lies: Clues to Deceit in the Marketplace, Politics, and Marriage* (New York, NY: W.W. Norton and Company, 2001). Also, see Joe Navarro and John Schafer, "Detecting Deception," *FBI Law Enforcement Bulletin*, July 2001, 9-13.

<sup>2</sup> Ibid.

<sup>3</sup> Don Rabon, *Investigative Discourse Analysis* (Durham, NC: Carolina Academic Press, 2003).

<sup>4</sup> For additional information, see Gene Klopf and Andrew Tooke, "Statement Analysis Field Examination Technique: A Useful Investigative Tool," *FBI Law Enforcement Bulletin*, April 2003, 6-15.

<sup>5</sup> Supra note 3.

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